

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2709 – HB 2781

April 21, 2010

**SUMMARY OF AMENDMENT (016342):** Deletes all language following the enacting clause. Authorizes the court to direct an individual convicted of domestic assault to complete available counseling programs that address violence and control issues including batterer's intervention programs or any court-ordered drug or alcohol treatment program. A violation of a protection order or a part of an order that directs counseling may be punished as criminal or civil contempt. Increases from \$200 to \$225 the fine that may be imposed for a violation of domestic assault offense.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

Increase Local Expenditures – Not Significant

Other Fiscal Impact – There will be an estimated increase in revenue of \$5,300 collected from the fines. These funds will be used in conjunction with current collections to fund family violence shelters, shelter services, and counseling services for indigent offenders. Due to the large number of offenders, it is estimated that the increase in revenue will not cover all counseling expenses for indigent offenders and will result in a decrease in the amount of funds currently provided to fund family violence shelters and shelter services.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Revenue - \$5,300/Family Violence Shelters and Shelter Services**

**Increase State Expenditures – Not Significant**

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

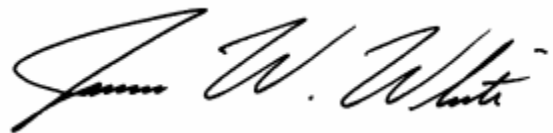
Assumptions applied to amendment:

- According to the Administrative Office of the Courts, there has been an average of 705 convictions of domestic assault in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 7,050 per year.

- A portion of the 7,050 will be required to attend counseling and batterer's intervention programs. Any violation for noncompliance with a requirement to attend counseling can be punished as criminal or civil contempt.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- According to the Office of Criminal Justice Programs, there was an average of \$42,698.62 per year collected through these fines.
- The provisions of the bill increase the individual fine by 12.5 percent [(\$225 - \$200)/\$200]. It is estimated that fine collections will increase by a similar amount resulting in an increase in revenue of \$5,337 (\$42,698.62 x 12.5%) per year.
- Pursuant to Tenn. Code Ann. § 39-13-111, all fines collected are credited to the General Fund and are subject to appropriation by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services.
- There may be an increase in the amount of time the court systems spend on cases. Any increase will not be significant and can be accommodated within existing state and local resources.

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/kml